



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,032	06/22/2007	Masayoshi Son	SB-1010-US	6932

62008 7590 07/07/2010
MAIER & MAIER, PLLC
1000 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

DOAN, PHUOC HUU

ART UNIT	PAPER NUMBER
----------	--------------

2617

MAIL DATE	DELIVERY MODE
-----------	---------------

07/07/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/590,032	SON, MASAYOSHI	
	Examiner	Art Unit	
	PHUOC DOAN	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 9 and 11-17 is/are rejected.
- 7) ☒ Claim(s) 7, 10 and 18 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claim rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 11, the claimed limitations recite “a moving picture acquisition unit operable to transmit a call reception end identifier for identifying another communication terminal at the call reception end during a call process, and acquire content data associated with this call reception end identifier through the communication network; and a call transmitter end output unit operable to output and display said content data, which is acquired, during said call process”, because on the specification described that display 17 for displaying moving picture which are purchased and uploaded by the users. Thus, can’t meet the claimed limitations as mentioned above.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims rejected under 35 U.S.C. 103(a) as being unpatentable over
Tosaki et al (US Pub No.: 2003/0110081) in view of Ishii (US Pub No.:
2002/0132612).

As to claim 1, Tosaki discloses a call processing system operable to perform a call process from a first communication terminal (Fig. 1, originating E) to a second communication terminal (Fig. 1, receiving E), said call processing system comprising: a content data accumulating unit operable to accumulate content data (par [0008, 0013] “communication between two terminal and the insert information as an insert object or a variety of data”) ; a data table in which content data is associated with a call reception end identifier for identifying said second communication terminal (par [0048-0050] “ the communication or calling processing by acquired the insert information path identifier, an acquisition permission ID”); a terminal identifier acquiring unit operable to acquire the call reception end identifier of said second communication terminal on the basis of a call signal transmitted from said first communication terminal to said second communication terminal (par [0047-0055] “calling process or reception

communication by insert information between two communication terminal”); a content transmitter unit operable to acquire, from said content data accumulating unit, the content data associated with said call reception end identifier by referring to said data table on the basis of the call reception end identifier as acquired by said terminal identifier acquiring unit, and transmit the content data to said first communication terminal (par [0058-0061]); a call transmitter end output unit operable to output and display said content data (par ‘0054] “display of inserted image information and output of vice information”), which is transmitted, at said first communication terminal during said call process (par [0046, 0054]). However, Tosaki does not clearly disclose display the content data. But, Ishii clearly discloses display the content data (par [0042, 0119, 0151]; “it was displayed the content data that is transmitted from the first mobile terminal during the call process on the communication network”). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify by Ishii to the system of Tosaki in order to arrange to reach the intended users immediately.

As to claim 2, Tosaki further discloses the call processing system as claimed in claim 1 wherein said content data is associated in said data table further with a call transmitter end identifier for identifying said first

communication terminal which is the terminal at the call transmitter end (par [0047-0048]), wherein said terminal identifier acquiring unit acquires the call transmitter end identifier of the first communication terminal as the call transmitter on the basis of said call signal (par [0048]), wherein said content transmitter unit operable to refer to said data table on the basis of the call reception end identifier and the call transmitter end identifier acquired by said terminal identifier acquiring unit (par [0047-0051]), acquire the content data associated with said terminal identifiers from said content data accumulating unit (par [0048]), and transmit the content data to said first communication terminal (see par [0047-0052] “where to provide the data associated by insert identifier information between two terminal devices and network information storage device 40 in the network”).

As to claim 3, Tosaki further discloses the call processing system as claimed in claim 1 further comprising a charging unit operable to measure the frequency of transmitting said content data from said content transmitter unit and charge the user of said second communication terminal in accordance with the transmitting frequency (par [0027-0028] "based on the network perform and billing information determined by the achievement information or communication network").

As to claim 4, Tosaki further discloses the call processing system as claimed in claim 1 further comprising a content selling unit operable to sell content data on the basis of a manipulation signal transmitted from said second communication terminal (par [0026-0028]); and a data registration unit operable to register the content data, which is sold by said content selling unit, as new content in said data table data in association with said call reception end identifier (par [0082-0084]).

As to claim 5, Tosaki further discloses the call processing system as claimed in claim 1 further comprising an upload unit operable to acquire content from said second communication terminal on the basis of a manipulation signal transmitted from said second communication terminal (par [0082-0084]); and a data registration unit operable to register the content data, which is acquired by said upload unit, as new content in said data table in association with said call reception end identifier (par [0084-0086]).

As to claim 6, Tosaki further discloses the call processing system as claimed in claim 1 wherein said data registration unit is provided further with the functionality of registering said content data in said data table in association with the call transmitter end identifier for identifying said first communication terminal as the call transmitter on the basis of the

manipulation signal from said second communication terminal (par [0048, 0084-0091]).

As to claim 8, claim is rejected for the same reasons as set forth in claim 1.

As to claim 9, Tosaki further discloses the communication server as claimed in claim 8 wherein said content data is associated in said data table further with a call transmitter end identifier for identifying said first communication terminal which is the terminal at the call transmitter end (par [0046-0048]), wherein said terminal identifier acquiring unit acquires the call transmitter end identifier of the first communication terminal as the call transmitter on the basis of said call signal (par [0046-0048]), wherein said content transmitter unit operable to refer to said data table on the basis of the call reception end identifier and the call transmitter end identifier acquired by said terminal identifier acquiring unit (par [0048-0051]), acquire the content data associated with said terminal identifiers from said content data accumulating unit (par [0052]), and transmit the content data to said first communication terminal (par [0054]).

As to claim 11, claim is rejected for the same reasons as set forth in claim 1.

As to claim 12, claim is rejected for the same reasons as set forth in claim 1.

As to claim 13, claim is rejected for the same reasons as set forth in claim 2.

As to claim 14, claim is rejected for the same reasons as set forth in claim 3.

As to claim 15, claim is rejected for the same reasons as set forth in claim 4.

As to claim 16, claim is rejected for the same reasons as set forth in claim 5.

As to claim 17, claim is rejected for the same reasons as set forth in claim 6.

Allowable Subject Matter

3. Claims 7, 10, 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUOC DOAN whose telephone number is (571) 272-7920. The examiner can normally be reached on 10:00AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LESTER KINCAID can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PHUOC DOAN/
Examiner, Art Unit 2617